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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by International Association of Educators for World Peace, a non-governmental organization in consultative status (Category II)

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[9 February 1994]

Situation in Tibet

1. For the past 44 years the People's Republic of China has deprived the 6 million Tibetan people not only of their right to self-determination, but of many of the fundamental human rights and freedoms guaranteed by the Universal Declaration of Human Rights, including the rights to freedom of speech, expression, association and religion.

2. This statement focuses on the population transfer of civilian Chinese settlers into Tibet, particularly recent trends, which is now viewed as one of the greatest threats to the survival of the Tibetan people.

3. The Sub-Commission on the Prevention of Discrimination and Protection of Minorities, at its forty-fourth session, recognized in resolution 1992/28, that "the policy and practice of population transfer, including the removal of people and the implantation of settlers, particularly where induced or conducted by Governments and occupying authorities, invariably have serious

consequences for the enjoyment, or constitute a serious violation, of the human rights of the peoples removed, the original inhabitants of the countries and territories concerned, as well as the settlers".

4. As in the past, Chinese leaders continue to publicly promote Chinese migration into Tibet. Like Mao Tsetung, Zhou Enlai and Deng Xiaoping, Chinese President Jiang Zemin, during his visit to Qinghai (which includes parts of north-eastern Tibet) in July 1993, praised "individuals who had left their homes in coastal and other regions to contribute to Qinghai's economic and social development". 1/ At a secret meeting of high-level Chinese officials code-named 512, in Sichuan province on 12 May 1993, it was decided that in order to destroy the basis of the Tibetan political movement further movement of Chinese population into Tibet should be encouraged. 2/

5. Rapid movement of Chinese into Tibet, particularly now into central Tibet, is accompanied and facilitated by: the rapid improvement of major highways which lead to Tibet; the expansion of the Lhasa airport; the lifting of check-posts on Tibetan borders in the east; the plans to link central Tibet to China by railway; economic opening-up; reducing the number of Tibetans in official positions; expansion of rural industry (for example mining); preparation for agricultural settlement of Chinese settlers; new construction of shops and apartment buildings; United Nations-funded projects like those of the World Food Programme; increased discrimination against Tibetans; and social decline.

6. The "socialist education campaign" of 1992 and 1993 in Tibet brought new fears to Tibetans because it resulted in Chinese cadres being appointed to administrative posts at lower county levels. A May 1992 report from Tibetans in Lhasa said: "3,000 Chinese officials are coming to Tibet under the socialist propaganda campaign to assist the farmers, indirectly they are coming to take over the key positions in the Tibet Autonomous Region (TAR). They will be stationed in all parts of TAR and will replace all Tibetans who hold the position of Party Secretary at country level and above. If they are successful they will stay in Tibet. Tibet is going to be controlled and administered completely by the Chinese. The face-saving ... autonomous region in Tibet is coming to an end soon and will become a direct Chinese colony." 3/

7. In Lhasa, several high-ranking Tibetan officials have been transferred to posts that bear no relation to their education level or experience with their existing posts filled in by Chinese nationals. For example, Ngapo Rinchen, Lhasa Mayor Lhoga and Senior Dawa have all been demoted, transferred or retired from their posts. Ngapo Rinchen's post as the head of TAR Tourism was given to Yang Ruiti, a Chinese, according to a Radio Lhasa broadcast of 18 October 1993.

8. The economic opening up of Tibet is another avenue through which the Chinese authorities are encouraging further influx of Chinese settlers into Tibet. Underground Tibetan organizations have been distributing literature saying: "Nowadays China is opening up the whole of Tibet under the pretext of economic development, but in reality it is clear that this is being done, through the unrestricted transfer of Chinese people to live in Tibet, in order to deny Tibetans their rights and their work. This is being done to make Tibetans unable to live in their own land. For example, at present in the Tibetan towns and in the farming and pastoral areas the places are teeming

with Chinese, and in the borders different Chinese army personnel are stationed in every corner". 4/ The opening up of Tibet to enterprising Chinese appears to be fermenting tensions rather than easing them. 5/

9. Current Chinese policies are also paving the way for new Chinese settlements in Phenpo Lungdang (Lhasa valley), Emagang in Namling county, and in other rural areas of central Tibet. Several reports, both from Tibetan and independent sources, have also linked the World Food Programme project 3357 in the Lhasa river valley to the increase in Chinese settlements in that region. "The Chinese Government is planning to settle about 110,000 Chinese in Tibet and one way is through the [WFP] project", said one Tibetan report. "Some Chinese settlers [told me] that the 3357 project aims to settle 130,000 Chinese in Tibet", said another report.

10. One area of active Chinese government support for the settlement of Chinese has been the construction of hundreds of small shops and apartment buildings in TAR during recent years. These shops which have appeared in Lhasa, Gyantse, Shigatse Tsethang and even in some rural areas, appear to be priced beyond the resources of Tibetans, and are reported to be owned almost entirely by Chinese traders. Traders and entrepreneurs represented the fastest growing category of Chinese settlers in central Tibet during 1992.

11. New traders from China were also said to have been promptly issued with business permits upon request, further indicating official involvement in promoting their settlement in TAR. "The Tibetans need to submit their bio-data and relevant papers to apply for a job, a shop or travel permit, but the Chinese need just to apply", said one Tibetan report in 1992. Xiang Yang, the director of Tibet's Planning and Economy Committee, says that 50,000 of Lhasa's 60,000 registered private businessmen are from China. Although migrants are supposed to apply for residence permits and business licences, Xiang concedes that "some do, some don't". 6/

12. Last year, the Chinese authorities imported 70,000 tons of wheat to feed the Chinese population. 7/ Another indicator which has also been of concern to Tibetans over the past decades is the number of Chinese labourers working in mining or timber projects in rural areas. The work force in most of these projects is entirely Chinese. Various Tibetan reports, including one from July 1992, describe the Chinese mining work force as follows: 4,000-6,000 workers, referred to in Chinese as the "5th Unit", at a gold mine in Shu xiang near Lake Kyaring, 300 km south-west of Nagchu; 20,000 workers at a Borax mine, near Nyi-nyi Bridge, by the river Tsagyal Tsangpo, near a lake called Ziling Tso (220 km west of Nagchu); 2,500 workers at a test drilling for oil near Kache in the north of Pangkha (100 km north of Nagchu); and 3,000 workers at a Borax mine at Tsakha-Pas in Gertse area (700 km west of Ngari).

13. The real issue is not determining precisely how many Chinese settlers have arrived in Tibet, but what the impact of their presence in Tibet is; what the social, cultural, political, economic and environmental implications of this alarming and visible Chinese population transfer has on Tibet as a nation and Tibetans as a people. Population transfer of Chinese into Tibet should be viewed in the context of colonialist policies designed to achieve demographic changes in the occupied territory. This is precisely what is happening in Tibet today, where, according to the 1990 official Chinese census, 5,089,853 Chinese had already moved in since 1949. 8/

14. The Chinese population influx into Tibet is causing serious human rights violations and cultural and environmental degradation. The influx is driven by government policies and is indirectly being supported by subsidies from foreign multilateral and bilateral sources.

Conclusion

15. According to internationally accepted norms, the People's Republic of China is violating international law, including humanitarian law (art. 49 of the Fourth Geneva Convention) by its policy of population transfer into Tibet.

16. The grave dangers of population transfer of Chinese into Tibet can only be resolved by the realization on the part of the Chinese leadership that by this policy it is violating the fundamental rights of the so-called "minority nationalities" as recognized in the Constitution of the People's Republic of China.

17. The Chinese Government should immediately cease the massive transfer of Chinese nationals into Tibet. The leadership in Beijing should recognize that a solution to the Tibetan issue can only be reached by entering into direct negotiations with the Tibetan Government in Exile led by H.H. the Dalai Lama, without preconditions.

Notes

1/ Xinhua, the official Chinese news agency, 21 July 1993.

2/ Statement by Pax Christi International (Item 8), forty-fifth session, Sub-Commission on the Prevention of Discrimination and Protection of Minorities, August 1993.

3/ "Tibetan Views of Immigration into Central Tibet, 1992-1993", Tibet Information Network, London, October 1993.

4/ Poster distributed in Lhasa by The United Committee of the Three Provinces of Tibet, August 1992.

5/ "Two people, one land: a rare look at how Chinese capitalism is exacerbating tensions in Tibet", Susan V. Lawrence, U.S. News & World Report, 7 June 1993.

6/ Ibid.

7/ "Wheat wars: how Tibet's fate is being decided behind the headlines", John Ackerly, Tibetan Review, November 1993.

8/ The Tibetan Government in Exile estimated that there are 7.5 million Chinese in Tibet.

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COMMISSION ON HUMAN RIGHTS
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RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (Category II)

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[9 February 1994]

1. Human Rights Advocates (HRA) shares the international community's concern with the increasing number and intensity of conflicts involving minorities around the world. HRA therefore had high expectations from the final report presented last summer to the Sub-Commission, entitled "Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities" (E/CN.4/Sub.2/1993/34 and Add.1-4). The report contains important contributions in some areas but falls short in its main task. HRA was particularly disappointed with the haste with which expert members of the Sub-Commission addressed this critical issue last summer and the extremely short time allocated to NGO contributions.

2. In terms of positive contributions, the study includes an exhaustive and useful compilation of international human rights law concerning minority rights, with a rich discussion on the right to existence and identity.

3. Another important contribution of the study is the constructive recommendations found in Addendum 4, including proposals for long-range conflict prevention through education, legislative implementation of human rights norms relating to minorities, monitoring on national and international levels, and reconciliation machinery.

4. HRA especially welcomes the Special Rapporteur's recommendation that the Sub-Commission, Commission on Human Rights and the Centre for Human Rights assume a more active role in the promotion and protection of minority rights. In this regard, the recommendation for a Commission on Human Rights working group on minorities is reassuring. The rich experience and constructive contributions of the Working Group on Indigenous Peoples could serve as guidelines for a working group on minorities. Such a working group should be open to all minorities, regardless of consultative status with the Economic and Social Council, to air their grievances and to obtain relief. Equally commendable is the recommendation that the Sub-Commission set up a task force to develop a comprehensive programme of action to promote minority rights.

5. However, we would point to a shortcoming in the recommendations, which is the absence of proposed measures to address post-conflict reconciliation and peace-building measures in cases when a minority group decides to remain within the inherited State.

6. Unfortunately, the report falls short in its main task - possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities where conflicts are already manifest.

7. The Special Rapporteur relies on the good will of States to take their obligations regarding minorities seriously and hopes that new generations will emerge with a more positive attitude towards minorities. The Special Rapporteur also relies correctly on the new foundation for world order established with the adoption of the Charter of the United Nations and the Universal Declaration of Human Rights. However, based on the overly optimistic prospect of such a generation emerging, and despite the dismal historical record of good will displayed by many States regarding minorities, the Special Rapporteur then builds a framework of solutions based on the paramount principle of maintaining the territorial integrity of inherited States. Furthermore, the Special Rapporteur repeatedly blames minorities for the violence which befalls them, even if committed by States. Finally, the Special Rapporteur makes sweeping generalizations about the exaggerated role of so-called "ethnic entrepreneurs" who threaten the territorial integrity of States.

8. Obviously, many States fulfil their obligations under the Charter and the International Bill of Human Rights. However, it is equally obvious that many others do not fulfil their obligations. In those States, minorities continue to be oppressed and their right to existence and identity threatened. In many cases, national and international mechanisms are not adequate to address their urgent grievances. In order to resist State violence and to protect their right to existence and identity, minority groups often have no alternative but to resort to self-help and self-defence.

9. The interpretation of the right to self-determination found in the report is arbitrarily restrictive and not supported by the Charter of the United Nations. HRA has already submitted to the Commission on Human Rights another written intervention addressing the shortcomings of the report on the right to self-determination. None the less, we wish to reiterate that, as stated by an expert member of the Sub-Commission during the debate on the

subject last summer, the question of self-determination is not addressed adequately in the report and could best be addressed in an advisory opinion by the International Court of Justice.

10. The Sub-Commission study is also limited by its "Eurocentrism". The Special Rapporteur cites a number of cases of domestic legislation and mechanisms for conflict resolution. However, 64 per cent of examples cited are States in Europe or in the Western industrial world, 5 per cent in Central and Eastern Europe, 16 per cent in Latin America, 8 per cent in Asia, and only 7 per cent in Africa. In addition, while listing successful pluralist arrangements, the study takes into consideration only government reports to CCPR or CERD. Minority groups' opinions are not taken into consideration in order to assess the rate of success reported by Governments. The international community's approach to this issue would be greatly enriched by further examination of more non-European experiences.

11. We could cite more shortcomings of this study. Instead, HRA has prepared a detailed paper commenting on the study presented to the Sub-Commission, copies of which can be obtained from representatives of HRA.

12. In conclusion, HRA agrees with the Special Rapporteur that the most important requirement for peaceful solutions to minority problems is to have available mechanisms for conflict resolution on national as well as international levels which can respond effectively to minority grievances. However, we would add that this response must be speedy and it must address minority groups' concerns for their right to existence and identity with a balanced approach between State interests and the long-range protection of human rights.

13. HRA is hopeful that the Sub-Commission task force and the Commission working group on minorities proposed by the Special Rapporteur would be the first steps to fulfil this task.

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